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Report : Memorial of James Marsh

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IN SENATE OF THE UNITED STATES.

APRIL 15, 1850.

Submitted, and ordered to be printed.

Mr. SEBASTIAN made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial of James M. Marsh, have had the same under consideration, and report:

That a claim to some compensation is established by certain testimony, which has not been taken in conformity with the provisions of law in that case provided; but that the redress for the injuries which he has received by the destruction and loss of property has been amply provided for by the 17th section of the Indian intercourse act of 1834; and that any legislation beyond the general provisions of that is, in the belief of the committee, wholly unnecessary. Your committee are further clearly of the opinion that so much of the claim as consists of damages, consequential in their character, over and beyond the value of property injured and taken, resulting from the delay in pursuing his business, is not sanctioned by any principle recognised in the past practice of the government; neither are such claims provided for in the terms of the intercourse law aforesaid. This law constitutes the principle and affords the only basis upon which compensation for the loss or injury to property is ever made. It has been considered as providing the full measure of redress upon principle in such cases; and the committee do not conceive it safe or proper to go beyond or depart from its provisions. They therefore recommend that the prayer of the memorialist be rejected.